

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 17TH JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. 19 - 04113 - NI
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Court address 180 Ottawa Avenue NW, Suite 2400, Grand Rapids, Michigan 49503
Court telephone no. 616-632-5480

Plaintiff's name(s), address(es), and telephone no(s).
 Robert Scoby
 4690 Treasure Trail SW
 Wyoming, Michigan 49519

Plaintiff's attorney, bar no., address, and telephone no.
 Stephen J. De Haan (P35955)
 Stephen De Haan, P.C.
 800 Monroe Avenue NW, Suite 314
 Grand Rapids, Michigan 49503
 616-454-3300

v

Defendant's name(s), address(es), and telephone no(s).
 Gary Connolly
 19885 Sunny Hill Drive
 Musego, Wisconsin 53150

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. Attached is a completed case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court, where

it was given case number _____ and assigned to Judge _____.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date MAY 13 2019	Expiration date* AUG 12 2019	Court clerk LISA POSTHUMUS LYONS
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

Rec'd & Filed

MAY 13 2019

KENT COUNTY
CIRCUIT COURT

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

ROBERT SCOBY,

Plaintiff,

Case No. 19 - 64113 - NI

vs.

GARY CONNOLLY, SCHNEIDER
NATIONAL, INC., and OLD
REPUBLIC INSURANCE COMPANY,

Honorable _____
Circuit Judge

Defendants.

Stephen J. De Haan (P35955) Stephen De Haan, P.C. 800 Monroe Avenue NW, Suite 314 Grand Rapids, Michigan 49503 616-454-3300 Attorney for Plaintiff	
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THERE IS NO OTHER PENDING OR RESOLVED CIVIL ACTION
ARISING OUT OF THE SAME TRANSACTION OR OCCURRENCE
AS ALLEGED IN THIS COMPLAINT.

PLAINTIFF'S COMPLAINT

NOW COMES the Plaintiff, Robert Scoby, by and through his attorneys, Stephen De Haan, P.C., and for his cause of action against the above-named Defendants states as follows:

GENERAL ALLEGATIONS

1. That the Plaintiff, Robert Scoby, lives at 4690 Treasure Trail SW, Wyoming, Michigan 49519. He is a resident of Kent County.
2. That the Defendant, Gary Connolly, lives at 19885 Sunny Hill Drive, Musego, Wisconsin 53150. He is a resident of Waukesha County, Wisconsin.

3. That the Defendant, Schneider National Inc. (hereinafter "Schneider"), is a trucking company engaged in interstate trucking. The Defendant's principle place of business is located at 3101 Packerland Drive, Green Bay, Wisconsin 54313.

4. That the Defendant, Schneider, does business in the State of Michigan and specifically in Kent County.

5. That the Defendant, Old Republic Insurance Company (hereinafter "Old Republic"), is a foreign insurance company authorized to do business in the State of Michigan. The Defendant does business in Kent County.

6. That the amount in controversy exceeds \$25,000, excluding costs, interest and attorney fees.

7. That the Plaintiff on May 16, 2018 was driving his motorcycle in an eastbound direction on 28th Street in Grand Rapids. The Plaintiff was driving in the curb lane.

8. That at the same time, the Defendant, Gary Connolly, was driving a semi-tractor and trailer owned by Schneider.

9. That Defendant Connolly stopped his semi-tractor and trailer in a driveway located on the south side of 28th Street. The semi-tractor and trailer was facing northbound.

10. That Defendant Connolly exited the driveway and made a right-hand turn into the center turn lane. He proceeded eastbound in the center turn lane.

11. That Defendant Connolly then made a right turn from the center turn lane in an attempt to enter yet another driveway located on the south side of 28th Street.

12. That Defendant Connolly when he made his right-hand turn from the center turn lane turned directly in front of the Plaintiff's eastbound motorcycle.

13. That the Plaintiff braked and then laid down his motorcycle in an attempt to avoid the semi-tractor and trailer that had turned in front of him.

14. That the Plaintiff and the motorcycle separated and the semi-tractor and trailer struck the motorcycle.

CAUSE OF ACTION AGAINST DEFENDANT CONNOLLY

15. That the Plaintiff repeats and realleges each and every paragraph above as though fully set forth herein.

16. That the Defendant, Gary Connolly, at all times material hereto owed the Plaintiff and other drivers the duty to exercise due care and caution in the operation of his semi-tractor and trailer and the duty to obey the rules of the common law and the laws of the State of Michigan.

17. That Defendant Connolly was negligent on May 16, 2018 in that he breached the above duties, such breaches of duty including, but not being limited to, the following:

- a. Failing to exercise due care and caution;
- b. Failing to yield the right of way to the Plaintiff's approaching motorcycle;
- c. Failing to keep a safe and proper lookout;
- d. Failing to make a proper right-hand turn into the driveway located on the south side of 28th Street;
- e. Making an improper turn from the center turn lane;
- f. Failing to timely signal his intentions on making a right-hand turn from the center turn lane;
- g. Driving while distracted; and
- h. Driving in a careless and reckless manner.

18. That the negligence of Defendant Connolly was the sole cause of the collision.

19. That the Plaintiff at all times material hereto was exercising due care and caution for his own safety.

20. That the Plaintiff sustained injuries and damages as a direct and proximate result of Defendant Connolly's negligence, such injuries and damages including, but not being limited to, the following:

- a. Cervical and lumbar spine injuries constituting a serious impairment of body function;
- b. Shoulder injuries constituting a serious impairment of body function;
- c. Hip injuries constituting a serious impairment of body function;
- d. Pain and suffering, past, present and future;
- e. Mental and emotional distress, past, present and future;
- f. Loss of capacity to enjoy life, past, present and future; and
- g. Potential wage loss in excess of three years.

WHEREFORE, Plaintiff Robert Scoby respectfully requests that this Honorable Court grant him a judgment against the Defendant, Gary Connolly, in an amount in excess of \$25,000, including costs, interest and attorney fees.

CAUSE OF ACTION AGAINST DEFENDANT SCHNEIDER

21. That the Plaintiff repeats and realleges each and every paragraph above as though fully set forth herein.

22. That Defendant Schneider owned the tractor that Defendant Connolly was driving at the time of the collision.

23. That Defendant Connolly was driving Defendant Schneider's tractor with the express and/or implied permission of Defendant Schneider.

24. That Defendant Connolly was driving Defendant Schneider's tractor during the course and scope of his employment with Defendant Schneider.

25. That Defendant Schneider is liable to the Plaintiff for the injuries and damages he sustained under the Owner's Liability Statute and under the concept of *respondeat superior*.

WHEREFORE, Plaintiff Robert Scoby respectfully requests that this Honorable Court grant him a judgment against the Defendant, Schneider National, Inc., in an amount in excess of \$25,000, including costs, interest and attorney fees.

CAUSE OF ACTION AGAINST DEFENDANT OLD REPUBLIC

26. That the Plaintiff repeats and realleges each and every paragraph above as though fully set forth herein.

27. That Defendant Old Republic insured the tractor that Defendant Schneider owned and that Defendant Connolly was driving as of the collision date.

28. That Defendant Old Republic, under the priority provisions of the Michigan No-Fault Act, is responsible for the payment of first party no-fault benefits to the Plaintiff.

29. That Defendant Old Republic has refused to pay certain no-fault benefits in this case.

30. That the Plaintiff has sustained injuries and damages as a result of Defendant Old Republic's conduct, such injuries and damages including, but not being limited to, the payment of medical expenses, the payment of medical mileage, the payment of replacement services, and the payment of wage loss.

31. That the Plaintiff has fully complied with the provisions of the Michigan No-Fault Act.

WHEREFORE, Plaintiff Robert Scoby respectfully requests that this Honorable Court grant him a judgment against the Defendant, Old Republic Insurance Company, in an amount in excess of \$25,000, including no-fault penalty interest, costs and attorney fees.

Respectfully submitted,

Dated: May 9, 2019

A handwritten signature in black ink, appearing to read "Stephen J. De Haan", is written over a horizontal line.

Stephen J. De Haan (P35955)
Stephen De Haan, P.C.
800 Monroe Avenue NW, Suite 314
Grand Rapids, Michigan 49503
616-454-3300
Attorney for Plaintiff